

**REMARKS**

Reconsideration and allowance of the present application are respectfully requested. Claims 1-14 remain pending in the application.

On pages 2 and 3 of the Office Action, claims 1-14 are objected to under 37 C.F.R. §1.75(a) for failing to particularly point out and distinctly claim the subject matter of the invention. On page 3 of the Office Action, claims 1-14 are rejected under 35 U.S.C. § 101 as being directed to a nonstatutory invention because the claims recite a series of mathematical operations that are not directed to a practical application. These objections and rejections are respectfully traversed. It is noted that the Examiner has not provided a rejection based on 35 U.S.C. §§102 or 103 in either of the previous office actions.

In addition, in the office action dated December 9, 2003, the Examiner previously objected to the drawings. The Examiner did not respond to the Applicant's comments and, therefore, the Applicant believes that the examiner has withdrawn his objection to the drawings.

With regard to the Examiner's 37 C.F.R. §1.75(a) objection to claim 5, line 2, which cites "... 1-2  $\alpha$ ,  $\alpha$  and  $\alpha$  are selected for the Poisson distributions with the nominal, minimum and maximum expectation values.", the second occurrence of  $\alpha$  refers to the maximum expectation value. Therefore, the claim is in the proper form when read in its entirety.

With regard to the Examiner's 35 U.S.C. §101 rejection of claims 1-14, the claim has been amended so that the invention is implemented on a computer for providing the practical application of determining an upper and lower limit of the system reliability. The last limitation of claim 1 clearly states that the practical application of the method is to provide first and second fault rates and the first limiting probability distribution and second limiting probability distribution to determine an upper and lower limit of the system reliability.

Favorable reconsideration of this application is respectfully requested in light of the following amendments and remarks, wherein Claims 1, 3, 5, 8 and 10 have been amended.

In response to the Examiner's comments, the Applicant will be providing an information disclosure statement with both a German language copy and an English

translation of the Engineer's Manual for Calculating Reliability, Page 426, (1979), which is listed on page 5 of the specification.

Since the Examiner has not provided any art rejections of the claims, it is submitted that the application is now in condition for allowance. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

Date: August 26, 2005

By: Martin E. Miller

Martin E. Miller

Registration No. 56,022

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404

Alexandria, Virginia 22313-1404

(703) 838-6696